

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ALVIN BALDUS, et. al.,

Plaintiffs,

vs.

Case No.: 11-C-562

MICHAEL BRENNAN, et. al.,

Defendants.

VOCES DE LA FRONTERA, INC., et. al.,

Plaintiffs,

vs.

Case No.: 11-C-1011

MICHAEL BRENNAN, et. al.,

Defendants.

DECLARATION OF PETER EARLE REGARDING ATTORNEY'S FEES

PETER EARLE, under penalty of perjury and pursuant to 28 U.S.C. §1746, states that based on personal knowledge, the following facts are true and correct:

1. I am the principal in the firm of the Law Office of Peter Earle, LLC. I am submitting this Declaration in support of the Joint Plaintiffs' Motion for Attorney's Fees and Costs with regard to the *Voces de la Frontera* Plaintiffs in connection with services I have rendered in the above-entitled action.

2. I graduated from IIT Chicago Kent College of Law in 1988 and have represented parties in at least 39 employment discrimination/civil rights/toxic tort cases that have been filed in the United States District Court for the Eastern District of Wisconsin. I participated as one of the plaintiffs' lawyers in the following class action/pattern and practice

employment discrimination cases filed in the Northern District of Illinois: *Jefferson, et al v. Ingersol International*, Case No. 98-C-50042; *Bell, et al v. Woodward Governor*, Case No. 03-C-50190. I have argued appeals before the Wisconsin Court of Appeals, District I, the Wisconsin Supreme Court, and the U.S. Court of Appeals, Seventh Circuit. The following illustrative cases have been reported in which I served as lead counsel for the plaintiffs: *Milwaukee Board of School Directors v. WERC*, 163 Wis.2d 739, 472 N.W.2d 553 (Wis. App. 1991)(whether a discriminatory lay-off and recall provision in collective bargaining agreement is an illegal subject of bargaining); *Plustkota v. Roadrunner Freight Systems*, 188 Wis.2d 288, 524 N.W.2d 904(Wis..App. 1994)(whether written employee honesty tests are "unfair honesty tests" regulated by the Wisconsin Fair Employment Act); *Despears v. Milwaukee County*, 63 F.3d 635 (7th Cir. 1995) (scope of employment discrimination claim under the ADA involving alcoholism); *Vance v. Sukup*, , 207 Wis.2d 578, 558 N.W.2d 683 (Wis..App. 1996)(scope of absolute pollution exclusion in home owners insurance policy); *Thomas v. Mallett*, 2005 WI 129, 285 Wis.2d 236, 701 N.W.2d 523 (Wis. 2005)(modifying the common law to relax causation in lead poisoning cases against the former manufacturers of lead pigments); *Amir v. Marquette University*, 2006 WI App 252, 297 Wis.2d 326, 727 N.W.2d 63 (2006)(national origin discrimination under Title VI and applicability of academic deference in context of a prima facie case); *Godoy v. E.I. DuPont*, 2009 WI 78 (2009)(whether the inherent characteristics defense is consistent with the consumer contemplation test in the context of design defect claims.), *Gibson v. American Cyanamid, et al*, 719 F.Supp.2d 1031 (ED Wis. 2010)(constitutionality of Wisconsin's risk contribution doctrine)(appeal pending 7th Cir., argued 1-9-12); *Burton v. American Cyanamid Co., et al*, 775 F.Supp.2d 1093 (ED Wis. 2011)(constitutionality of Wisconsin's risk contribution doctrine).

3. I seek attorney's fees for work I have performed in this litigation because my Clients have obtained a favorable judgment after trial on the merits and as such, my Clients are prevailing parties as to each and every allegation and claim asserted in the Complaint. Furthermore, the Complaint asserted entitlement to attorney's fees pursuant to 42 U.S.C. sec. 1983 and 1988, and no special circumstances apply that would justify denial of attorney's fees. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *Hastert v. Illinois Board of Elections*, 28 F.3d 1430, 1443-1444 (7th Cir. 1993); *King v. Illinois Board of Elections*, 410 F.3d 404, 408-09, 412-13, 421-24 (7th Cir. 2005). The work I have performed is identified in the time records provided with this declaration as Exhibit A. I have reviewed these records and believe that they are accurate and that the time entries recorded are appropriate. A review of my hours when compared to the hours of my co-counsel, Jacqueline Boynton, will disclose that on five occasions we both attended certain depositions and are seeking compensation accordingly. Those five depositions involved document management issues and the need for additional support and assistance to lead counsel and accordingly seeking fees for both counsel is an appropriate exercise of billing discretion. (See Depositions of Zeus Rodriguez -1/11/12, Keith Gaddie,- 1/20/12, Adam Foltz and Tad Ottman – 2/1/12, and Bernard Grofman – 2/3/12). On several other occasions, despite the fact that both counsel attended the depositions, compensation for only one lawyer's time is being sought in the exercise of billing discretion. (See

Deposition of Kevin Kennedy- JEB 2.8/12). The work set forth for these depositions, as was the rest of the work enumerated on Exhibit A was reasonably performed in the course of the representation of the *Voces de la Frontera* Plaintiffs herein through April 3, 2012. As indicated in the time records, I have performed 370.78 hours of work at my regularly hourly rate of \$425.00. These figures represent my total lodestar (market rates multiplied by reasonable hours expended) fees which amount to \$157,604.22.

4. I am the lead attorney representing the *Voces de la Frontera* Plaintiffs, said representation being undertaken on the basis that the payment of my regular hourly rate for time reasonably expended would be entirely contingent upon the achievement of a successful outcome such that the provisions of a fee shifting statute would provide for payment of such fees. Absent an award of attorney's fees, pursuant to 42 USC § 1988, I will not be entitled to attorney's fees. I have received no payments from the *Voces de la Frontera* Plaintiffs, nor from any other third party or person for my work in the case.
5. My regular hourly rate for the work in this case is \$425. By virtue of my experience litigating civil rights cases and other complex litigation on behalf of plaintiffs, and working with co-counsel, I have personal knowledge regarding the prevailing market rates in this District for attorneys of comparable skill, experience and reputation to myself, performing such work. Based upon this knowledge, I state that my hourly rate is well within with the prevailing market rates in this District for attorneys of comparable skill, experience and reputation, performing such work. Indeed, I have charged this rate to clients and have been compensated at this rate by clients who retain me on an hourly basis.
6. I am very familiar with the work performed by Godfrey & Kahn, S.C., on this case as counsel for the *Baldus* Plaintiffs in consolidated Case No. 11-C-562, said case sharing claims identical to the claims alleged by the *Voces de la Frontera* Plaintiffs as they pertain to Assembly District 8 and 9. Indeed, counsel for the *Baldus* Plaintiffs coordinated with counsel for the *Voces* Plaintiffs in order to gain significant efficiencies in the course of prosecuting the claims as they pertained to Assembly Districts 8 and 9. For example, much of the discovery obtained by counsel for the *Baldus* Plaintiffs in the course of enforcing subpoenas directed to the legislature and the law firms representing the legislature was of material significance to the Voting Rights Act claims related to Assembly Districts 8 and 9. Furthermore, counsel for the *Baldus* Plaintiffs coordinated with counsel for the *Voces* Plaintiffs to efficiently cover discrete areas of relevance during most depositions. This coordination gained significant efficiencies in allowing for more targeted preparation than would have been otherwise possible. I am familiar with the background and experience of their attorneys who worked on the case and am aware of the discounted rates applied by the firm for this case: Douglas Poland - \$395.00; Dustin Brown- \$275.00; and Wendy Arends - \$275.00. Based on my knowledge of the prevailing market rates in this District for attorneys of comparable skill, experience and reputation, it is my opinion that the hourly rates of the Godfrey & Kahn, S.C., attorneys

are well within the prevailing market rates in this District for attorneys of comparable skill, experience and reputation.

Dated this 5th day of April of 2012, at Milwaukee, Wisconsin.

Law Office of Peter G. Earle

s/ Peter G. Earle /

Peter G. Earle
SBN 1012176

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Suite 300
Milwaukee, WI 53202
Tel: 414-276-1076
Fax: 414-276-0460.

Exhibit A

Date	Description	Hours	Total
7/21/11	Drafting complaint	3	\$1,275.00
7/21/11	Consult with clients re retainer agreement and expert costs	1.83	\$779.17
7/21/11	research re HCVAP expert testimony in VRA cases	1.5	\$637.50
7/21/11	review initial findings regarding HCVAP analysis	1	\$425.00
7/21/11	Initial discussions with Ken Mayers and David Cannon	0.83	\$354.17
7/22/11	Drafting complaint/discussions with Clients	6.83	\$2,904.17
7/22/11	draft complaint- review pleadings from other cases	4	\$1,700.00
9/19/11	Voces meeting - legal strategy re redistricting and funding expert	1	\$425.00
10/17/11	Meeting with Clients and Ken Mayer re final prpe to file	1.5	\$637.50
10/20/11	Draft and edit complaint/ legal research Osceola case	4.5	\$1,912.50
10/20/11	edit complaint- review pleadings from other cases	2	\$850.00
10/23/11	e-mail Correspondence with Jackie Boynton re co-counsel relationship	0.17	\$70.83
10/24/11	call to Christine Neumann Ortiz re draft complaint	0.17	\$70.83
10/27/11	confer with clients re filing of complaint/ discuss with JEB co-counsel	0.5	\$212.50
10/31/11	meet with JEB final edits and filing of complaint	1	\$425.00
10/31/11	final drafting of pleadings & disclosure statement & summons etc	1	\$425.00
11/1/11	prep summons and research components of expert opinion	1.5	\$637.50
11/2/11	draft consolidation motion/call to mayer re report/ tel conf w/ Rebeca	3.5	\$1,487.50
11/2/11	letter to Lazar re accepting service	0.33	\$141.67
11/3/11	review the historical data on Latino candidates from JEB	0.5	\$212.50
11/4/11	Call to Maria Lazar re consolidation	0.17	\$70.83
11/4/11	Transmit list of historical races/ candidates to Ken mayer	0.17	\$70.83
11/10/11	Info sent to Ken/conversation with Jackie - Latino candidates	1	\$425.00
11/17/11	E-mail with Ken re ecological inferences & follow-up	1	\$425.00
11/22/11	E-mail with Ken re spanish surnames	0.17	\$70.83
12/1/11	Tel call from Ken Mayer re progress on expert report	0.33	\$141.67
12/2/11	review answer from GAB	1	\$425.00
12/5/11	Draft Rule 26 disclosures	2	\$850.00
12/5/11	tel conf with Jackie re Duabert cases on elements 2 & 3	0.5	\$212.50

12/8/11 tel calls with jackie and then Rebecca re depo coverage- e-mails	0.5	\$212.50
12/9/11 review Illinois case decisions 10/12 & 11/1 opinions Comm for a Fair	2	\$850.00
12/9/11 difficulties getting SVRS data from GAB for Mayer- calls	0.83	\$354.17
12/9/11 Updates on report progress with Mayer - format issues	0.5	\$212.50
12/11/11 review caselaw and law review articles on ecological inferences	3	\$1,275.00
12/11/11 discuss report with Ken Mayer	0.5	\$212.50
12/12/11 Rose Fernandez election discussion with Ken Mayer & Jackie B	0.5	\$212.50
12/13/11 HCVAP data review	0.75	\$318.75
12/13/11 review Radogno opinion granting MSJ in Illinois	0.5	\$212.50
12/13/11 e-mail correspondence from Jackie B. and Andy Jansen re alternative ma	0.5	\$212.50
12/13/11 Depo scheduling e-mails	0.5	\$212.50
12/13/11 Investigate Rose Fernandez election	0.5	\$212.50
12/13/11 review sdepo notices & subpoenas Handrick, Folz & Ottman	0.33	\$141.67
12/14/11 final review and serving of Ken Mayer's expert report for Voces	1	\$425.00
12/14/11 receive and review Ken Mayers report for other plaintiffs	1	\$425.00
12/16/11 Mcleod's motion for clarification (reconsideration of 12/8 order	0.75	\$318.75
12/19/11 Review of GAB expert reports - map out conclusions	4	\$1,700.00
12/19/11 Review of GAB supplemental disclosures	0.75	\$318.75
12/19/11 Poland's response to Mcleod's motion to clarify 12/8/11 discovery order	0.5	\$212.50
12/19/11 tel calls & e-mails with Maria Lazar re receipt of expert reports	0.5	\$212.50
12/20/11 deposition of Joe Handrick	8	\$3,400.00
12/21/11 deposition of Adam Folz	6	\$2,550.00
12/22/11 deposition of Tadd Ottman	7	\$2,975.00
12/23/11 tel conf with Ken Mayer re rebuttal expert report and HCVAP	0.5	\$212.50
12/26/11 tel conf with Joel Gratz re map overlays for AD-8 & AD-9	0.33	\$141.67
12/28/11 review depo transcripts of Tadd Ottman, Adam Folz and Joe Handrick	3	\$1,275.00
12/29/11 e-mails; strategy; deal with Scott Jensen issue; confer w/ Poland	2.83	\$1,204.17
12/29/11 meeting with Zeus Rodriguez at Elsa's	0.83	\$354.17
12/29/11 mapping of e-mail sequences for AD-8 & AD-9 in run up to hearing	0.83	\$354.17
12/29/11 e-mails with Doug Poland re Scott Jensen and Zeus	0.33	\$141.67

12/30/11 billing for depon- processing	0.25	\$106.25
12/31/11 review demographic comparisons of AD-8 b/4 & after act 43 w/ Mayer	1	
1/3/12 review map overlay options with Gratz and mayer	0.75	\$425.00
1/3/12 review map overlay options with Gratz and mayer	0.75	\$318.75
1/3/12 billing for Voces re Mayers work	0.25	\$106.25
1/11/12 depo of Zeus Rodriguez	4.5	\$1,912.50
1/11/12 review docs produced from MBF, Troupis, Folz et al	2	\$850.00
1/15/12 draft and serve 2nd FRCP 26 supplemental disclosures from Voces	2	\$850.00
1/16/12 prep for depo of Keith Gaddie	3	\$1,275.00
1/17/12 prep for depo of Peter Morrison	3	\$1,275.00
1/18/12 depo of Peter Morrison	8	\$3,400.00
1/20/12 depo of Keith Gaddie	9	\$3,825.00
1/23/12 call & correspondence to Dan Kelly re fact stipps for trial	0.5	\$212.50
1/24/12 discovery conference w/ JEB & review Zeusi's depo- plan pretrial rpt	1.83	\$779.17
1/25/12 review and prep for re-depositions of Folz, Handrick, and Ottman	4	\$1,700.00
1/26/12 draft proposed stipulated facts	2	\$850.00
1/26/12 review JEB's discovery draft answers	0.75	\$318.75
1/27/12 travel (3 hrs) and depo of Ken Mayer in Madison	10	\$4,250.00
1/29/12 review Grofman articles and amici briefs	4	\$1,700.00
1/30/12 Depos of Gratz and "The Shop Consulting" & review of Grothman articles	6	\$2,550.00
1/31/12 Barca depo	4.5	\$1,912.50
2/1/12 travel and continuation of depositions of Folz & Handrick	10	\$4,250.00
2/2/12 depo of Ottman and draft demand for confidentiality agreements	7	\$2,975.00
2/2/12 prep for Grofman & consult with Mayer	1	\$425.00
2/2/12 design demonstratives of old 8th & 9th versus new 8th & 9th	0.83	\$354.17
2/3/12 depo of Bernard Grofman	6.5	\$2,762.50
2/3/12 pre-depo final prep for Bernard Grofman	2	\$850.00
2/3/12 review correspondence from various counsel re discovery	1.5	\$637.50
2/4/12 draft proposed finding of fact & concl. of law & e-mail w co-counsel	4	\$1,700.00
2/4/12 e-mail demand to McLeod re Folz, Ottman Hanrick secrecy agreements	0.5	\$212.50
2/5/12 review Folz and Ottman rough transcripts	1.5	\$637.50

2/6/12 review Grofman depo transcript	1.5	\$637.50
2/6/12 miscellaneous e-mail with co-counsel & opposing counsel	0.75	\$318.75
2/6/12 e-mail from McLeod re new responsive docs & discussion with co-counsel	0.75	\$318.75
2/6/12 correspondence & supp discovery from Patrick Hodan	0.5	\$212.50
2/6/12 correspondence with maria Lazar re FRCP 16(c)(1) report	0.5	\$212.50
2/7/12 various e-mail w/ McLeod & review of newly disclosed calendars etc	1.75	\$743.75
2/7/12 review proposed GAB findings of fact from Dan Kelly	1.5	\$637.50
2/8/12 draft FRCP 16(c)(1) report & discuss w/ Jackie	2	\$850.00
2/9/12 final pretrial report work	2	\$850.00
2/9/12 McLeod e-mail & docs & log re Ottman & Folz & discuss w/ Doug	0.75	\$318.75
2/10/12 review Defendants' MSJ motion & proposed findings of fact work on ours	2.5	\$1,062.50
2/10/12 e-mail from McLeod re new responsive docs & discussion with co-counsel	0.5	\$212.50
2/11/12 meet & confer e-mail w/ McLeod re withheld documents	1	\$425.00
2/13/12 trial prep/ design exhibits/design witness examination	4	\$1,700.00
2/13/12 Trial brief	2.25	\$956.25
2/13/12 final pretrial report work	2	\$850.00
2/13/12 PGE letter to court for ECF filing re privilege log & attachments	2	\$850.00
2/14/12 work on final pretrial report	2	\$850.00
2/14/12 conf call with MALDEF attys re contacts with Troupis & trial issues	1	\$425.00
2/14/12 review & re-serve FRCP 26 second supp discls with 1-15-12 witness list	0.5	\$212.50
2/15/12 outline cross examinations defendants experts & review back-up materia	5	\$2,125.00
2/15/12 trial prep- pedro colon's tetsimony	1	\$425.00
2/15/12 review Doug's reply brief on privilege log	0.5	\$212.50
2/16/12 trial prep all day & final pretrial conf	9	\$3,825.00
2/17/12 trial prep all day	9	\$3,825.00
2/18/12 trial prep all day	10.5	\$4,462.50
2/19/12 trial prep all day	9	\$3,825.00
2/20/12 trial prep all day	9	\$3,825.00
2/21/12 trial start- settlement attempts and final witness prep	12	\$5,100.00
2/22/12 depo of James Troupis	7.5	\$3,187.50

2/23/12	trial all day until late & prep in morning	14	\$5,950.00
2/23/12	trial all day & prep evening	12	\$5,100.00
2/24/12	trial all day- til 9:00 pm & am prep	13	\$5,525.00
3/22/12	Review judgment/decision & consult with client and consult with co-cou	4	\$1,700.00
3/23/12	review remedy options/ consult co-counsel on joint motion	3	\$1,275.00
3/26/12	Meeting with client re remedies options	1.5	\$637.50
3/26/12	Meeting with Hispanic Chamber of Commerce re remedy options	1	\$425.00
3/26/12	Meeting with JoCasta Zamarripa re remedies options	0.5	\$212.50
3/27/12	Meeting with LULAC re remedy options	0.83	\$354.17
3/27/12	Meeting with Zeus Rodriguez re remedy options	0.83	\$354.17
3/27/12	Meeting with El Conquistador/ Victor Huyke re remedy options	0.5	\$212.50
3/28/12	review remedy options and case law & calls about this	3	\$1,275.00
3/29/12	travel/prep meeting and meet & confer with defs (1pm to 6:30pm)	5.5	\$2,337.50
3/30/12	tel conf with Mayer & GK attys; tel conf with Maria Lazar; draft decla	4	\$1,700.00
3/31/12	tels calls with Doug & Ken and e-mails w/ Dan review options re remedy	1.5	\$637.50
4/1/12	conf with Jackie re community input	0.33	\$141.67
4/2/12	Calls w/ Jackie/Primitivo/Christine/Victor Huyke re community input	1.25	\$531.25
4/2/12	calls with Doug/ maria & Dustin re joint report	0.75	\$318.75
4/2/12	review city amicus filing	0.33	\$141.67
4/3/12	drafting re remedy- declaration, brief, review Mayer's declaration	2	\$850.00
4/3/12	review and edit brief re proposed map	1.83	\$779.17
4/3/12	case law research re citizenship	1.5	\$637.50
4/3/12	follow-up consult with Ken re declaration in support of his map& dusti	0.83	\$354.17
4/3/12	tel conf w Darryl Morin	0.33	\$141.67
	Previous Balance		\$0.00
	Amount Due	370.78	\$157,604.22

Brandt, Karen J (15243)

From: ecfmaster@wied.uscourts.gov
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United States District Court

Eastern District of Wisconsin

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Case Number: 2:11-cv-00562-JPS-DPW-RMD

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Docket Text:

DECLARATION of Peter G. Earle Regarding Attorney's Fees. (Attachments: # (1) Exhibit A: Time records)(Earle, Peter)

2:11-cv-00562-JPS-DPW-RMD Notice has been electronically mailed to:

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